

Attorney's Docket 027396-0278080

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
CANALI ET AL.

Confirmation No: 1904

Application No.: 09/784,330

Group Art Unit: 3628

Filed: February 16, 2001

Examiner: SHAH, ANKEETA

Title: AUCTION BASED PROCUREMENT SYSTEM

**Mail Stop Amendment
United States Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314**

**CERTIFICATION OF FACSIMILE TRANSMISSION
UNDER 37 C.F.R. §1.8**

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Response to Election of Species

PILLSBURY WINTHROP LLP



GLENN T. BARRETT
Reg. No. 38705

Date: February 4, 2005
P.O. Box 10500
McLean, VA 22102
Telephone: (703) 905-2000
Facsimile: (703) 905-2500

(Certification of Facsimile Transmission—page 1)

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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

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Sir:

In response to the Election of Species Requirement dated January 5, 2005, Applicants hereby elect with traverse Species II (Figure 19) for further prosecution. It is respectfully submitted that claims 1, 2, 5-31, 62, 63, 65-76, 95, 96 and 98-109 read on the elected Species II. At present, no claims are generic to all species.

Applicants respectfully submit that the subject matter of all of the species identified by the Examiner (i.e., Figures 18-24) is sufficiently related that a thorough search and examination for the subject matter of any one species would necessarily encompass the search and examination of the remaining species. The application can thus be searched and examined without serious burden. MPEP § 803 sets forth the criteria for a proper requirement for restriction: (A) the inventions must be independent or distinct as claimed; and (B) there must be a serious burden on the examiner. As also stated in MPEP § 803, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (Emphasis added.) As discussed above, MPEP § 802.02 defines restriction as both restriction between distinct inventions and election of species requirements, it is clear that the requirement of a serious burden equally applies to election of species requirements. Applicants submit that a serious burden does not exist in the present application. Applicants respectfully submit that all species should be examined at this time to avoid duplicative examination by the Patent Office and unnecessary expense to Applicants.

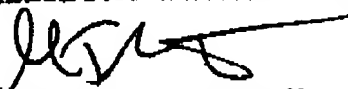
CANALI ET AL. -- 09/784,330
Client/Matter: 027396-0278080

Therefore, reconsideration and withdrawal of the Election of Species Requirement are respectfully requested. A prompt and favorable examination on the merits is respectfully requested.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP LLP



JEFFREY D. KARCESKI

Reg. No. 35914

Tel. No. 703.905.2110

Fax No. 703.905.2500

GLENN T. BARRETT

Reg. No. 38705

Tel. No. 703.905.2011

Fax No. 703.905.2500

Date: February 4, 2005
P.O. Box 10500
McLean, VA 22102
(703) 905-2000